



Patent  
Attorney's Docket No. 040070-244

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
Kjell Gustafsson et al.	)	Group Art Unit 2682
Application No. 09/348,494	)	Examiner Nghi H. Ly
Filed: July 7, 1999	)	Confirmation No. 5321
For: Controlled Antenna Diversity	)	

#17/Recons.  
MAY  
4/10/03

**RESPONSE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed on January 2, 2003, the following remarks are respectfully submitted.

**REMARKS**

Claims 1-20 are pending.

The allowance of claims 3-5 and 14-16 is gratefully acknowledged.

Claims 1, 2, 6-13, and 17-20 stand rejected for obviousness over a combination of "prior art admitted by applicant in figure 3 of the present specification" and U.S. Patent No. 4,823,398 to Hashimoto ("Hashimoto"). These rejections are respectfully traversed.

As discussed in the Brief for Appellant filed on November 1, 2002, FIG. 3 depicts a diversity communication system, such as the IMT 2000 system. In FIG. 3, a first antenna 310 receives radio signals that are provided to a first RF processor 330, and a second antenna 312 receives radio signals that are provided to a second RF processor 332. The RF processors 330, 332 produce respective intermediate signals that are provided to a base band processor 340.

The pending Action admits that FIG. 3 fails to disclose selectively activating and deactivating the second RF processor based on whether diversity is appropriate and tries to remedy this deficiency with Hashimoto, referring to Hashimoto's FIG. 1 and col. 2, ll. 49-59. Hashimoto's FIG. 1 shows two receivers 3, 4, a switch 7, which

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In re Patent Application of

Kjell GUSTAFSSON et al.

Application No.: 09/348,494

Filing Date: July 7, 1999

Title: CONTROLLED ANTENNA DIVERSITY

Group Art Unit: 2682

Examiner: Nghi H. Ly

Confirmation No.: 5321

## AMENDMENT/REPLY TRANSMITTAL LETTER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed is a reply for the above-identified patent application.

- ☐ A Petition for Extension of Time is also enclosed.
- ☐ Terminal Disclaimer(s) and the ☐ \$55.00 (2814) ☐ \$110.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.
- ☐ Also enclosed is/are \_\_\_\_\_.
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$375.00 (2801) ☐ \$750.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) previously submitted \_\_\_\_\_ on \_\_\_\_\_, for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least \_\_\_\_\_, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also
- ☒ No additional claim fee is required.

BURNS DOANE

BURNS DOANE SWECKER & MATHIS LLP  
ATTORNEYS AT LAW

AMENDMENT/REPLY TRANSMITTAL LETTER

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Application No. 09/348,494

☐ Charge \_\_\_\_\_ to Deposit Account No. 02-4800.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER &amp; MATHIS, L.L.P.

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Date: April 2, 2003

By



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I hereby certify that this correspondence is being by facsimile transmission to the Assistant Commissioner for Patents, Washington, D.C. 20231 to the following facsimile number:

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Date of Transmission: April 2, 2003

  
Heather Rattelade

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